

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
SPECIAL MEETING
July 19, 2006**

I. Call to Order

Chairman Cashman called the special meeting to order at 9:10 a.m. Commissioners Cleary and Jenkins were present. Staff Members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms. Andrews, Ms. Kulmacz, Ms. Haqq and Ms. Blackburn.

II. Approval of the Minutes

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to approve the minutes of the June 14, 2006 special meeting. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Dana D'Angelo Moreira, Middlebury
File No. 2005-279
Proposed Consent Agreements and Orders
Respondents: Frank Davino, Ralph Carpinella & Mary Jane
Bernabe
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the three proposed Consent Agreements and Orders with respondents Mary Jane Bernabe, Ralph Carpinella and Frank Davino. Respondent Bernabe has signed her proposed Consent Agreement and has forfeited the remaining balance of the Bollard Carpinella 2005 committee account in the amount of \$4,100, to the State of Connecticut. She also paid the civil penalty of \$1,000. Respondent Carpinella has signed his proposed Consent Agreement and paid the civil penalty of \$2000. Respondent Davino has signed his proposed Consent Agreement and Order to strictly comply with Connecticut General Statutes § 9-333n.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreements and Orders in File No. 2005-279. So voted. A copy of the Consent Agreements and Orders is attached and incorporated herein as part of these minutes.

2. In the Matter of Complaints by Karen Mulcahy, Waterbury
File No. 2005-291 A-D
Proposed Consent Agreement and Order
Respondent: Tamara Zappone
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Consent Agreement and Order. Respondent Tamara Zappone has signed the proposed Consent Agreement and paid the civil penalty of \$300.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2005-291 A-D. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Louis DeCilio, Stratford Registrar of Voters
File No. 2005-300
Proposed Consent Agreement and Order
Respondent: Ronald Langdon
Investigators: Attorney Joan M. Andrews &
Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Consent Agreement and Order. Respondent Ronald Langdon has signed the proposed Consent Agreement and Order to henceforth strictly comply with the Connecticut General Statutes §9-140(a) and to ensure that anyone working or volunteering at his direction or under his guidance or supervision signs as an assister if such individual physically completes any portion of the absentee ballot application form for an applicant.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2005-300. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaints by Shirley Surgeon and Joseph W. Delorenzo, Hartford
File Nos. 2006-111 & 2006-112
Proposed Consent Agreement and Order
Respondent: Jane Russell
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint. Attorney Smith informed the Commissioners that a proposed Consent Agreement and Order has been prepared, however the Respondent has been unresponsive to the settlement.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins that the Commission finds reason to believe that Jane Russell violated Connecticut General Statutes §§9-361 and 9-57 and that a hearing officer be designated for the purpose of conducting a hearing for this matter. So voted.

Commissioner Cashman volunteered to be Hearing Officer.

5. In the Matter of a Complaint by Paul M. Carver, New Britain
File No. 2006-137
Proposed Consent Agreement and Order
Respondent: Diane DeFronzo
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Consent Agreement and Order. Respondent DeFronzo has indicated that she will sign the proposed Consent Agreement and Order and forward it to the Commission.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2006-137, contingent upon receipt of a fully executed agreement within 7 days from today. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

6. In the Matter of a Complaint by Gary Stewart, New Haven
File No. 2006-148
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Investigator: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Findings and Conclusions recommending the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2006-148.. So voted. The matter is dismissed for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

7. In the Matter of a Complaint by Paul R. Doyle, Wethersfield
File No. 2006-170
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Findings and Conclusions recommending that the Commission take no further action at this time, while the Commission reserves the right to reopen this investigation in the event other evidence is obtained.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions. So voted. The Commission reserves the right to reopen this investigation. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

8. In the Matter of a Complaint by Florence Stahl, Avon
File No. 2006-173
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Findings and Conclusions recommending the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2006-173. So voted. The matter is dismissed for the reasons stated. The Findings and Conclusions is attached and incorporated herein as part of these minutes.

B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary at 9:45 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) and (E) and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as Items 9 through 15 on the agenda. So voted. Present were Commissioner Cashman, Cleary and Jenkins. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Hy, Ms. Andrews, Ms. Kulmacz, Ms. Haqq and Ms. Blackburn.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to return to public session at 10:55 A.M. So voted.

Following a short recess, the Commission took the following action:

9. In the Matter of a Complaint by Dorothy A. DeBisschop, Oxford
File No. 2006-129
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

This matter was continued.

10. In the Matter of a Complaint by Carolann Bennett, Middletown, CT
File No. 2006-301
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

No further action.

11. In the Matter of a Complaint by Cynthia Bruno, Registrar of Voters,
Ridgefield
File No. 2006-138
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

12. In the Matter of a Complaint by Willie D. Greene, New Haven
File No. 2006-146
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins that the Commission finds reason to believe that Anthony Michael Juliano violated Connecticut General Statutes §9-333m by making an excessive contribution and that a Hearing Officer be designated for the purpose of conducting a hearing for this matter. So voted.

Commissioner Cashman deferred the appointment of the Hearing Officer.

13. In the Matter of a Complaint by Jennifer Iannucci, Bridgewater
File No. 2006-166
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

14. In the Matter of a Complaint by Robert Ward and Robert Farr, Hartford
File No. 2006-189
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

Commissioner Cashman stated for the record that Complainant Representative Robert Ward, Minority Leader of the House of Representative, is Commissioner Cashman's appointing authority on this Commission. He wanted the record to show that he feels there is no conflict. He is also acquainted with Representative Farr and this also will not be a conflict.

Mr. Garfield summarized the allegations in the above referenced complaint. He stated that it is alleged that the Secretary of the State violated Connecticut General Statutes §9-391(c) by accepting four late filed certificates of endorsement. The question of whether or not the Secretary has discretion to accept the certificates is the legal issue raised in this complaint. The investigation found that two of the certificates were filed on time in the Commercial Recording Division of the Secretary of the State, and remained unopened until the end of June. They were then forwarded to the Legislation and Elections and Administration Division of the Secretary of the State's office. Attorney Andrews was then asked to summarize the Proposed Findings and Conclusions in the matter.

Attorney Andrews explained the other facts found in the investigation and the Commission's recommended conclusion. She stated that the question is whether the Secretary has discretion to accept the late filing of the certificates of endorsement. Attorney Andrews summarized the proposed Findings and Conclusions, stating that the Commission disagrees that the Secretary of the State has discretion to accept the late filed certificates and finds such acceptance contrary to the language of the statute.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions recommending the Commission take no further action on the complaint for the reasons stated. So voted. A copy of the Findings and Conclusion is attached and incorporated herein as part of these minutes.

15. In the Matter of a Complaint by Minnie Gonzalez, Hartford
File No. 2006-192

Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield stated that as the Commission's only Spanish speaking investigator is on military leave, it would be impossible for this office to conduct a proper investigation into the above referenced complaint. On June 28, 2006 a letter was sent to the Chief State's Attorney requesting his assistance. He has agreed to conduct an investigation into this matter.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to ratify the referral of the matter to the Chief State's Attorney for an investigation. So voted.

IV. Consideration of Contract with Pepe and Hazard LL

The Commission discussed whether or not to go forward with the contract for the internal investigation of the Solicitation of Contributions to Governor's Campaign Fundraiser Request of M. Lisa Moody, File No. 2005-311.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary that Attorney Lenge notify Attorney Daniel Klau to instruct him to proceed to a conclusion and submit the findings as stated in the contract, and to pay the invoice as presented. So voted.

V. Adjournment

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adjourn the meeting at 11:35 A.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for August 9, 2006 at 9:00 A.M.

Respectfully submitted,

Lois E. Blackburn
Clerk of the Commission